

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

The United States of America, . Docket #CR-22-435-1 (HB)  
Plaintiff, . United States Courthouse  
vs. . Philadelphia, PA  
Todd Goodman, . September 6, 2023  
Defendant. . 10:00 a.m.  
.....

TRANSCRIPT OF CHANGE OF PLEA HEARING  
BEFORE THE HONORABLE HARVEY BARTLE III  
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For The Plaintiff: Joan E. Burnes, Esq.  
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Philadelphia, PA 19106

For The Defendant: Rocco C. Cipparone, Jr.  
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**Index**

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**Witnesses For The  
Plaintiff:**

**Witnesses For The  
Defendant:**

**EXHIBITS:**

**Marked   Received**

**SUMMATION BY:**

**THE COURT: Finding**

**29**

1                 THE CLERK: All rise. Oyez, oyez, oyez. All manner  
2 of persons having anything to say before the Honorable Harvey  
3 Bartle, III, Judge of the United States District Court in and  
4 for the Eastern District of Pennsylvania, may at present  
5 appear and they shall be heard. God save the United States  
6 and this Honorable Court. Court is now in session. Please be  
7 seated.

8                 THE COURT: Good morning. You may be seated.

9                 ALL: Good morning, Your Honor.

10                THE COURT: The Court has before it this morning the  
11 guilty plea hearing in the case of the United States of  
12 America vs. Todd Goodman, criminal action 22-435-1. Ms.  
13 Spicer, would you please swear in the Defendant.

14                THE CLERK: Please stand and raise your right hand.

15                TODD GOODMAN, DEFENDANT, SWORN

16                THE CLERK: Please state your name.

17                MR. GOODMAN: Todd Goodman.

18                THE CLERK: And will you please spell your last name  
19 for the record.

20                MR. GOODMAN: G-O-O-D-M-A-N.

21                THE CLERK: Thank you.

22                THE COURT: Mr. Goodman, do you read, write and  
23 understand the English -- you may be seated.

24                MR. GOODMAN: Thank you, Your Honor.

25                THE COURT: Just keep the microphone close to you so

1    we can hear what you're saying. Mr. Goodman, do you read,  
2    write and understand the English language?

3                   MR. GOODMAN: I do, Your Honor.

4                   THE COURT: Do you understand that during this  
5    proceeding this morning I will be asking you a series of  
6    questions?

7                   MR. GOODMAN: I do, Your Honor.

8                   THE COURT: And I will assume that your answers will  
9    be truthful.

10                  MR. GOODMAN: They will, Your Honor.

11                  THE COURT: Since you are now sworn and are under  
12   oath, do you understand that if you should give me false  
13   answers, you are subject to possible prosecution for perjury,  
14   that is lying under oath?

15                  MR. GOODMAN: I do, Your Honor.

16                  THE COURT: Do you also understand that I will be  
17   asking you questions this morning in order to satisfy myself  
18   that you are competent and able to enter a plea?

19                  MR. GOODMAN: I understand that, Your Honor.

20                  THE COURT: And to satisfy myself that if you decide  
21   to plead guilty, that you are knowingly and voluntarily giving  
22   up certain rights to which you would be entitled if you went  
23   to trial?

24                  MR. GOODMAN: I understand that, Your Honor.

25                  THE COURT: If at any time you do not understand a

1 question or you wish a further explanation, please indicate  
2 that to me and I'll do my best to rephrase the question or  
3 explain it to you.

4 MR. GOODMAN: I will do that. Thank you.

5 THE COURT: Also if at any time you wish to speak to  
6 your attorney outside of my hearing, I will, of course, permit  
7 you to do that.

8 DIRECT EXAMINATION

9 BY THE COURT:

10 Q. Mr. Goodman, are you a citizen of the United States?

11 A. I am, Your Honor.

12 Q. And how old are you?

13 A. I am 60 years old.

14 Q. How far did you go in school?

15 A. I went through law school, graduated.

16 Q. Did you also go to pharmacy school?

17 A. I did, Your Honor.

18 Q. And you graduated?

19 A. I did.

20 Q. Have you been employed during the last several years and  
21 if so, what job or jobs have you held?

22 A. I've been employed the last year and -- well, for many  
23 years at Oxman Goodstadt Kuritz law firm. I've stopped -- I  
24 was employed in a pharmacy, Rapoport Pharmacy, from November  
25 of 2021 up until April of 2022, and I had worked at Verree

1      Pharmacy for approximately -- 2005 until that fall of 2021,  
2      November of 2021.

3      Q.   Have you taken any drugs, medicine or pills in the last 24  
4      hours?

5      A.   Only for my blood pressure, Your Honor.

6      Q.   Does that medication affect your ability to understand the  
7      proceedings here today?

8      A.   It does not.

9      Q.   Have you drunk any alcoholic beverages in the last 24  
10     hours?

11     A.   I have not.

12     Q.   Have you ever been hospitalized or treated for mental  
13     illness or narcotic addiction?

14     A.   I have not, Your Honor.

15     Q.   Are you currently under the care of a physician?

16     A.   I am -- other than just yearly visits with my primary.

17     Q.   Thank you. Do you understand you have a right to be  
18     represented by an attorney at every stage of the proceeding  
19     against you?

20     A.   I do, Your Honor.

21     Q.   And that if you cannot afford the service of an attorney,  
22     the Court appoints one to represent you free of charge?

23     A.   I understand that, Your Honor.

24     Q.   Do you have an attorney here today?

25     A.   I do, Your Honor.

1 Q. Who is that?

2 A. It's Rocco Cipparone.

3 Q. Have you had ample opportunity to discuss your case with  
4 Mr. Cipparone?

5 A. I have, Your Honor.

6 Q. Are you satisfied with his representation of you?

7 A. I am very satisfied with his representation.

8 Q. Mr. Goodman, have you received a copy of a document called  
9 a Superceding Indictment which contains the written charge  
10 against you?

11 A. I did, Your Honor.

12 MR. CIPPARONE: Your Honor, just for the record,  
13 it's a Superceding Information.

14 THE COURT: I'm sorry, Superceding Information.  
15 You're absolutely right.

16 MR. CIPPARONE: Thank you.

17 BY THE COURT:

18 Q. Mr. Goodman, do you understand that, in summary, the  
19 Superceding Information charges that from on or about May 26,  
20 2018, in Philadelphia in the Eastern District of Pennsylvania  
21 and elsewhere, you, who are the subject to the requirements of  
22 Part C of the Controlled Substances Act, knowingly distributed  
23 and dispensed and aided and abetted the distribution and  
24 dispensing of a mixture or substance containing a detectible  
25 amount of a schedule 2 controlled substance, that is

1       approximately 240 tablets of Oxycodone, each 30 milligrams, to  
2       an individual based on an altered and forged written  
3       prescription that was not a valid written prescription by a  
4       licensed practitioner issued for a legitimate medical purpose?  
5       You did all this in violation of the requirements of §829 of  
6       the Controlled Substances Act.

7       A. Yes, Your Honor.

8       Q. Do you understand that this charge that I've described has  
9       been brought by the United States Attorney by the filing of  
10      this Superseding Information?

11      A. I do, Your Honor.

12      Q. Do you understand that you have a constitutional right to  
13      be charged by an Indictment of the Grand Jury but you can  
14      waive that right and consent to be charged by an Information  
15      of the United States Attorney?

16      A. I understand that, Your Honor.

17      Q. Do you that unless you waive Indictment, you may not be  
18      charged with a crime until a Grand Jury finds by returning an  
19      Indictment that there is probable cause to believe that a  
20      crime has been committed and you committed it?

21      A. I understand that, Your Honor.

22      Q. Do you understand that if you do not waive, that is, give  
23      up your right to Indictment, the Government may present this  
24      case to the Grand Jury and request that it indict you?

25      A. I understand that, Your Honor.

1 Q. Do you understand that a Grand Jury might or might not  
2 indict you?

3 A. I understand that, Your Honor.

4 Q. Do you understand that if you give up your right to  
5 Indictment by the Grand Jury, the case will proceed against  
6 you on the basis of the United States Attorney's Superceding  
7 Information, just as if you had been indicted?

8 A. I understand that, Your Honor.

9 Q. Have you discussed the matter of giving up your right to  
10 Indictment by the Grand Jury with your attorney?

11 A. I have, Your Honor.

12 Q. Do you wish to give up your right to Indictment by the  
13 Grand Jury?

14 A. I do, Your Honor.

15 Q. Have any threats or promises been made to induce you to  
16 give up your right to Indictment?

17 A. No, Your Honor.

18 THE COURT: Does defense counsel see any reason why  
19 the Defendant should not waive Indictment?

20 MR. CIPPARONE: No, Your Honor.

21 THE COURT: I understand that there is a Waiver of  
22 Indictment form that has been signed. I am going to ask Ms.  
23 Spicer to place that before Mr. Goodman.

24 MR. GOODMAN: Thank you.

25 BY THE COURT:

1 Q. Mr. Goodman, is that your signature on the Waiver of  
2 Indictment form?

3 A. Yes, it is, Your Honor.

4 Q. Did you read it before you signed it?

5 A. I did, Your Honor.

6 Q. Did you understand what it said?

7 A. I did, Your Honor.

8 Q. Did you discuss it with your attorney before you signed  
9 it?

10 A. Yes, I did, Your Honor.

11 Q. Thank you.

12 THE COURT: Ms. Geiger, will you please summarize  
13 the terms of any plea agreement.

14 MS. GEIGER: Yes, Your Honor. In the agreement, the  
15 Defendant agrees to plead guilty to count 1 of the Superseding  
16 Information, waiving prosecution by Indictment and the statute  
17 of limitations, charging him with the misdemeanor offense of  
18 knowingly distributing and dispensing a mixture and substance  
19 containing a detectible amount of a schedule 2 controlled  
20 substance, and aiding and abetting the same. The Defendant  
21 further acknowledges his waiver of rights as set forth in the  
22 attachment to the agreement. At the time of sentencing, the  
23 Government will move to dismiss counts 1 through 10 of the  
24 initial Indictment filed on December 1st, 2022, as to the  
25 Defendant. The Defendant waives the statute of limitations as

1 to all counts to be dismissed under this agreement and agrees  
2 that if the Defendant withdraws from or successfully  
3 challenges the guilty plea entered under this agreement, or if  
4 these counts are otherwise reinstated under the terms of this  
5 agreement, neither the statute of limitations nor the double  
6 jeopardy clause will bar prosecution on any of these dismissed  
7 counts.

8 At the time of sentencing, the Government will also make  
9 whatever sentencing recommendations as to imprisonment, fines,  
10 forfeiture, restitution, and other matters which the  
11 Government deems appropriate. It will comment on the evidence  
12 and circumstances of the case, bring to the Court's attention  
13 all facts relevant to sentencing, including evidence relating  
14 to dismissed counts, if any, and to the character and any  
15 relevant criminal conduct of the Defendant, address the Court  
16 regarding the nature and seriousness of the offense, respond  
17 factually to questions raised by the Court, correct factual  
18 inaccuracies in the pre-sentencing report or sentencing  
19 record, and rebut any statement of facts made by or on behalf  
20 of the Defendant at sentencing. Nothing in this agreement  
21 shall limit the Government in its comments in and responses to  
22 any post-sentencing matters.

23 The plea agreement is conditioned upon the following:  
24 Co-Defendant Eric Pestrack entering a guilty plea in this  
25 case, and acceptance of that plea by a United States District

1     Judge at the time of the guilty plea hearing. If Co-Defendant  
2     Pestrack does not satisfy these two conditions, or  
3     subsequently seeks to withdraw his guilty plea, the United  
4     States Attorney's office, in its sole discretion, will be  
5     released from all its obligations under this agreement. In  
6     addition, if Co-Defendant Pestrack violates this plea  
7     agreement, the United States Attorney's office, in its sole  
8     discretion, may void this Defendant's plea agreement. In the  
9     event --

10                 THE COURT: You mean, it violates his agreement, not  
11     this agreement.

12                 MS. GEIGER: Correct, violates his plea agreement.

13                 THE COURT: Right.

14                 MS. GEIGER: Apologies, Your Honor. In the event  
15     that the Defendant's conviction is later vacated for any  
16     reason, the conviction of Co-Defendant Pestrack is later  
17     vacated for any reason, the Defendant violates this  
18     agreements, Co-Defendant Pestrack violates his plea agreement,  
19     the Defendant's plea is later withdrawn, or Co-Defendant  
20     Pestrack's plea is later withdrawn, the Defendant waives all  
21     defenses based on speedy trial and the statute of limitations  
22     for 120 days from any of these events. In order to facilitate  
23     the collection of the criminal monetary penalties to be  
24     imposed in connection with this prosecution, the Defendant  
25     agrees fully to disclose all income, assets, liabilities, and

1 financial interests held directly or indirectly, whether held  
2 in his own name or in the name of a relative, spouse,  
3 associate, another person or entity, and whether held in this  
4 country or outside this country. The Defendant agrees that  
5 any restitution or fine imposed by the Court shall be due and  
6 payable immediately and on such terms that the Court may  
7 impose. The Defendant may not withdraw his plea because the  
8 Court declines to follow any recommendation, motion or  
9 stipulation by the parties to this agreement.

10 No one has promised or guaranteed to the Defendant what  
11 sentence the Court will impose. Pursuant to §61.4 of the  
12 Sentencing Guidelines, the parties enter into stipulations  
13 under the Sentencing Guidelines manual, including that the  
14 parties agree and stipulate that as of the date of this  
15 agreement, the Defendant has demonstrated acceptance of  
16 responsibility for his offense, making the Defendant eligible  
17 for a two-level downward adjustment under §3E1.1(a) of the  
18 Sentencing Guidelines.

19 The Defendant understands and agrees that the status of  
20 any professional license or certification held by the  
21 Defendant is not protected by this agreement and is a matter  
22 solely within the discretion of the appropriate licensing,  
23 regulatory and disciplinary authorities, and the Government  
24 will inform the appropriate professional licensing, regulatory  
25 and disciplinary authorities in Pennsylvania of the

1 disposition of the criminal charges filed against the  
2 Defendant in this case. If the Defendant commits any federal,  
3 state, or local crime between the date of this agreement and  
4 his sentencing, or otherwise violates any provision of this  
5 agreement, the Government may declare a breach of the  
6 agreement and may, at its option, seek the remedies that are  
7 outlined in the plea agreement. The decision shall be in the  
8 sole discretion of the Government, both whether to declare a  
9 breach and regarding the remedy or remedies to seek.

10 In exchange for the promises made by the Government in  
11 entering this plea agreement, the Defendant voluntarily and  
12 expressly waives all rights to file any appeal, any collateral  
13 attack, or any other writ or motion that challenges the  
14 Defendant's conviction, sentence, or any other matter relating  
15 to this prosecution, except for the limited circumstances  
16 outlined in the plea agreement, which are if the Government  
17 appeals from the sentence, then the Defendant may file a  
18 direct appeal of his sentence; if the Government does not  
19 appeal, then notwithstanding the waiver provision that's set  
20 forth in the agreement, the Defendant may file a direct appeal  
21 or petition for collateral relief but may raise only a claim  
22 if otherwise permitted by law in such a proceeding that the  
23 Defendant's sentence and any count of conviction exceeds the  
24 statutory maximum for that count as set forth in paragraph 5  
25 of the agreement; challenging a decision by the Sentencing

1     Judge to impose an upward departure pursuant to the  
2     guidelines; challenging a decision by the Sentencing Judge to  
3     impose an upward variance above the final guideline range  
4     determined by the Court; and that any attorney who represented  
5     the Defendant during the course of this criminal case provided  
6     constitutionally ineffective assistance of counsel. If the  
7     Defendant does appeal or seek collateral relief pursuant to  
8     this subparagraph, no issue may be presented by the Defendant  
9     in such a proceeding other than those that are described.

10    Thank you, Your Honor.

11               THE COURT: I have before me what appears to be the  
12       original guilty plea agreement. I'm asking Ms. Spicer to  
13       place that before you, Mr. Goodman.

14    BY THE COURT:

15    Q. Mr. Goodman, is that your signature on the last page of  
16       that document?

17    A. It is, Your Honor.

18    Q. Did you read the document before you signed it?

19    A. I did, Your Honor.

20    Q. Did you understand what it said?

21    A. I did, Your Honor.

22    Q. Did you discuss it with your attorney before you signed  
23       it?

24    A. I did, Your Honor.

25    Q. There is also an additional document attached called

1     Acknowledgment of Rights.

2     A.   Yes, Your Honor.

3     Q.   It's a shorter document. Is that your signature on the  
4     last page?

5     A.   It is, Your Honor.

6     Q.   Did you read the document before you signed it?

7     A.   I did, Your Honor.

8     Q.   Did you understand what it said?

9     A.   I did, Your Honor.

10    Q.   Did you discuss it with your attorney before you signed  
11    it?

12    A.   I did, Your Honor.

13    Q.   Did the Government accurately summarize the terms of the  
14    agreement?

15    A.   They did, Your Honor.

16    Q.   You understand, Mr. Goodman, that in that agreement is  
17    what we call an Appellate Waiver, which means that you will be  
18    giving up your right to appeal any sentence which I should  
19    impose, except under the limited circumstances set forth in  
20    the agreement, and you're giving up your right to later attack  
21    any sentence which I should impose except under the terms set  
22    forth in the agreement?

23    A.   I do understand that, Your Honor.

24    Q.   You also understand that the agreement is also contingent  
25    on certain conduct of your Co-Defendant, Eric Pestrack, over

1 which you have no control?

2 A. I am aware of that, yes, Your Honor.

3 Q. Has anyone made any threat or promise or assurance to you  
4 of any kind other than what is set forth in the Plea Agreement  
5 and Acknowledgment of Rights to convince or induce you to sign  
6 them?

7 A. No, Your Honor.

8 Q. Mr. Goodman, do you understand you have a right to be  
9 tried by a jury if you plead not guilty?

10 A. I understand that, Your Honor.

11 Q. Do you understand that you through your attorney could  
12 participate in the selection of any jury?

13 A. I understand that, Your Honor.

14 Q. Are you aware that if you plead not guilty you have the  
15 right to be tried with the assistance of a lawyer?

16 A. I understand that, Your Honor.

17 Q. Do you understand that at a trial you would be presumed to  
18 be innocent?

19 A. I understand that, Your Honor.

20 Q. And that the Government would be required to prove you  
21 guilty by competent evidence and beyond a reasonable doubt  
22 before you could be found guilty?

23 A. I understand that, Your Honor.

24 Q. Do you understand that in the course of a trial the  
25 witnesses for the Government would have to come to Court and

1       testify in your presence?

2       A. I understand that, Your Honor.

3       Q. And that your attorney could cross-examine the witnesses  
4       for the Government, object to evidence offered by the  
5       Government, and offer evidence on your behalf?

6       A. I understand that, Your Honor.

7       Q. Are you aware that if you plead guilty you'll be giving up  
8       your right to challenge the manner in which the Government  
9       obtained evidence against you?

10      A. I am, Your Honor.

11      Q. Are you aware that at a trial you would have the right to  
12       subpoena, that is compel the attendance of witnesses?

13      A. I am aware of that, Your Honor.

14      Q. And that you would have the right to present your own  
15       witnesses including character witnesses whose testimony could  
16       possibly raise a reasonable doubt about your guilt?

17      A. I understand that, Your Honor.

18      Q. Do you understand that at a trial, while you would have  
19       the right to testify if you chose to do so, you would also  
20       have the right not to testify?

21      A. Yes, Your Honor.

22      Q. And that no inference or suggestion of guilt could be  
23       drawn from the fact that you did not testify?

24      A. Yes, Your Honor.

25      Q. Do you understand that you would have the right not to be

1      compelled to incriminate yourself? That means no one could  
2      force you to testify or to make a statement about what  
3      happened.

4      A. I understand that, Your Honor.

5      Q. Are you aware that your attorney could argue to the Jury  
6      or to the Court on your behalf against the Government's case?

7      A. Yes, Your Honor.

8      Q. Do you understand that you could only be convicted by a  
9      jury which unanimously found you guilty? That means all 12  
10     jurors would have to agree on your guilt before you could be  
11     found guilty.

12     A. I understand that, Your Honor.

13     Q. If at trial you were found guilty, do you understand that  
14     after a trial you would be able to appeal the conviction to an  
15     Appellate Court?

16     A. I understand that, Your Honor.

17     Q. And that you could have a lawyer represent you on that  
18     appeal?

19     A. Yes, Your Honor.

20     Q. And if you could not afford a lawyer, the Court would  
21     appoint one to represent you free of charge?

22     A. I understand that, Your Honor.

23     Q. And that the Appellate Court, of course, might or might  
24     not reverse your conviction?

25     A. I understand that, Your Honor.

1 Q. If you plead guilty and I accept your plea, do you  
2 understand you will give up forever your right to a further  
3 trial of any kind as well as the other rights that I have just  
4 discussed?

5 A. I understand that, Your Honor.

6 Q. And that there will be no trial?

7 A. I understand that, Your Honor.

8 Q. And as we discussed a few moments ago, if you plead guilty  
9 you'll be giving up your right to appeal any sentence or later  
10 to file any collateral proceeding as a result of that  
11 sentence, except under the limited circumstances set forth in  
12 the Plea Agreement?

13 A. I do understand that, Your Honor.

14 Q. Mr. Goodman, do you understand if you plead guilty today  
15 you'd be pleading guilty to one count of knowingly  
16 distributing and dispensing a mixture and substance containing  
17 a detectible amount of schedule 2 controlled substance in  
18 violation of Title 21 United States Code §842(a)(1) and  
19 842(c)(2)(A), and aiding and abetting the same in violation of  
20 Title 18 United States Code §2?

21 A. I do understand that, Your Honor.

22 Q. Mr. Goodman, I want to review briefly with you the  
23 essential elements of the crimes, starting with knowingly  
24 dispensing the controlled substance without a valid  
25 prescription. First, that you were subject to the

1 requirements of Part C of the Controlled Substances Act; 2)  
2 That you knowingly distributed and dispensed a mixture and  
3 substance containing a detectible amount of schedule 2  
4 controlled substances, that is approximately 240 tablets of  
5 Oxycodone, each of 30 milligrams, to an individual; 3) You did  
6 so based on an altered and forged written prescription that  
7 was not a valid written prescription by a licensed  
8 practitioner issued for a legitimate medical purpose, and you  
9 did so in violation of the requirements of §29 of the  
10 Controlled Substances Act. Do you understand that they're the  
11 essential elements of that crime?

12 A. Yes, I do, Your Honor.

13 Q. Now with respect to aiding and abetting. The elements are  
14 that the principal committed the offense charged by committing  
15 each of the elements of the offense charged; you knew that the  
16 offense charged was going to be committed or was being  
17 committed by the principal; that you did some act for the  
18 purpose of aiding, assisting, soliciting, facilitating or  
19 encouraging the principal in committing the offense and with  
20 the intent that the principal commit the offense; and that  
21 your acts did in some way aid, assist, facility or encourage  
22 the principal to commit the acts.

23 A. Yes, Your Honor.

24 THE COURT: Ms. Geiger, would you please summarize  
25 the factual basis of any plea.

1           MS. GEIGER: Yes, Your Honor. If this case were to  
2 proceed to trial, the Government would introduce evidence to  
3 establish the following facts: Oxycodone was a generic  
4 version of the opioid drug Oxycontin. Opioids could cause  
5 physical and psychological dependence, even when taken as  
6 prescribed. At high doses, opioids would cause life-  
7 threatening conditions or death, especially when used in  
8 combination with other controlled substances or alcohol.  
9           Oxycodone was a schedule 2 controlled substance. Spivack,  
10 Incorporated, doing business as Verree Pharmacy, also known as  
11 Verree, was a small neighborhood pharmacy located at 7960  
12 Verree Road in Philadelphia, Pennsylvania. Verree was open  
13 for business seven days per week. United States Drug  
14 Enforcement Administration, or DEA, granted a registration to  
15 Verree which allowed it to purchase and dispense schedule 2  
16 through 5 controlled substances. Accordingly, the pharmacist  
17 and pharmacy technicians who dispensed controlled substances  
18 at Verree were subject to the requirements of Part C of the  
19 Controlled Substances Act. By in or about 2018, Verree was  
20 the top retail pharmacy purchaser of Oxycodone in  
21 Pennsylvania. Verree cultivated a reputation as an easy-fill,  
22 no-questions-asked pharmacy for those seeking large quantities  
23 of Oxycodone. Defendant Todd Goodman was employed as a part-  
24 time pharmacist at Verree for approximately 20 years. He was  
25 registered as a licensed pharmacist since in or about August,

1     1986. Co-Defendant Eric Pestrack was employed as the lead  
2     pharmacy technician at Verree for more than 30 years. He  
3     worked full-time, usually Monday through Friday, and also  
4     covered weekend shifts when another pharmacy technician was  
5     unavailable. Defendants Goodman and Pestrack were trusted  
6     employees. They had keys to Verree and the combination to the  
7     safe that contained cash and controlled substances. In the  
8     course of their employment at Verree, Defendant Goodman  
9     together with Co-Defendant Pestrack filled obviously altered  
10    written prescriptions for Person 1 and his wife, both known to  
11    the United States Attorney, for large quantities of Oxycodone,  
12    without verifying the prescription with the issuing physician,  
13    checking the Pennsylvania Prescription Drug Monitoring  
14    Program, or otherwise resolving red flags. The Oxycodone  
15    prescriptions for Person 1 and his wife, filled by Defendants  
16    Goodman and Pestrack, were forged by Person 1 and were not  
17    based on a valid written prescription by a licensed pharmacist  
18    issued for a legitimate medical purpose. For example, on or  
19    about May 26, 2018, in Philadelphia, Defendant Goodman,  
20    together with Co-Defendant Pestrack, knowingly distributed and  
21    dispensed and aided and abetted the distribution and  
22    dispensing of a mixture and substance containing a detectible  
23    amount of a schedule 2 controlled substance, that is  
24    approximately 240 tablets of Oxycodone 30 milligrams to Person  
25    1, based on an altered and forged written prescription that

1   was not a valid written prescription by a licensed  
2   practitioner issued for a legitimate medical purpose, in  
3   violation of the requirements of §829 of the Controlled  
4   Substances Act. Person 1 paid \$820 in cash, \$820 in cash for  
5   this forged prescription to be filled. Thank you, Your Honor.

6   BY THE COURT:

7   Q. Mr. Goodman, do you agree that the Assistant United States  
8   Attorney has accurately summarized the facts in this case?  
9   A. I'm going to leave that to my attorney, if I may, Your  
10   Honor.

11                   THE COURT: Yes.

12                   MR. CIPPARONE: Judge, just to clarify, what -- I  
13   understand that's what the Government's contention is overall,  
14   that it would prove at trial, but what Mr. Goodman is  
15   admitting by way of factual basis is that at the relevant  
16   time, of course, he was employed as a pharmacist at Verree  
17   Pharmacy; he was and is a licensed pharmacist at the relevant  
18   times; and that as charged in paragraph 15 of the Information,  
19   on May 26, 2018, he did distribute approximately 240 tablets  
20   of Oxycodone 30 milligrams to Person 1; that he was aware that  
21   it was based on an altered and forged written prescription  
22   which was not a valid written prescription by a licensed  
23   practitioner; and that Person 1 paid \$820 in cash to the  
24   pharmacy for that prescription to be filled, and that he  
25   dispensed those pills knowing those facts, Your Honor. That's

1 what he agrees.

2 THE COURT: Ms. Geiger, are you agreeable to that  
3 summation by Mr. Cipparone?

4 MS. GEIGER: Yes, Your Honor.

5 BY THE COURT:

6 Q. Mr. Goodman, do you agree that your attorney has  
7 accurately summarized the facts in this case?

8 A. Yes, Your Honor.

9 THE COURT: Ms. Geiger, would you please state the  
10 maximum penalty to which Mr. Goodman is subject, including any  
11 mandatory minimum penalties.

12 MS. GEIGER: Yes, Your Honor. The total statutory  
13 maximum sentence on count 1 of the Superseding Information is  
14 one year of imprisonment, a one-year period of supervised  
15 release, a \$100,000 fine, and a \$25 special assessment.

16 BY THE COURT:

17 Q. Mr. Goodman, do you understand what the maximum penalty in  
18 this matter is as set forth by the Assistant United States  
19 Attorney?

20 A. I do, Your Honor.

21 Q. Mr. Goodman, do you understand that if you plead guilty  
22 and are sentenced, you may be deprived of certain valuable  
23 rights, such as your right to vote, to hold public office, to  
24 serve on a jury, to serve in the Armed Forces, possess a fire  
25 arm, or to hold a professional license?

1     A. I understand that, Your Honor.

2     Q. Do you understand the Court will not be able to determine  
3     how the Advisory Sentencing Guidelines and other applicable  
4     law will be applied in your case until after a pre-sentence  
5     report is completed, and both you and the Government have had  
6     an opportunity to challenge the facts and other matters set  
7     forth in that report?

8     A. Yes, Your Honor.

9     Q. Do you understand that the Court could, in appropriate  
10    circumstances, impose a sentence which is more severe or less  
11    severe than the sentence which the Advisory Sentencing  
12    Guidelines recommend?

13    A. I understand that, Your Honor.

14    Q. Do you understand that if you are sent to prison, a term  
15    of supervised release will be imposed to be served after you  
16    are released from prison?

17    A. I'm aware of that, Your Honor.

18    Q. And if you should violate the terms of your supervised  
19    release, you may be returned to prison?

20    A. I understand that, Your Honor.

21    Q. Do you understand, Mr. Goodman, that on the basis of a  
22    guilty plea, it is always possible that you could receive a  
23    sentence up to the maximum permitted by law?

24    A. I am aware of that, Your Honor.

25    Q. Do you understand that you will not be entitled to

1 withdraw any guilty plea if I should impose a more severe  
2 sentence than you expect or that anyone else recommends?

3 A. I understand that, Your Honor.

4 Q. Have you discussed with your attorney the charge against  
5 you, your right to contest it, and the maximum possible  
6 penalty?

7 A. I have, Your Honor.

8 Q. Having heard from me what your rights are if you plead not  
9 guilty, and what may occur if you plead guilty, do you still  
10 wish to give up your right to a trial and plead guilty?

11 A. I do, Your Honor.

12 Q. Has anyone threatened you, coerced you or forced you in  
13 any way to plead guilty?

14 A. No, Your Honor.

15 Q. Has any plea agreement been entered into or other promises  
16 made other than what has already been stated on the record  
17 here?

18 A. No, Your Honor.

19 Q. Has anyone told you or promised you what sentence this  
20 Court will impose?

21 A. No, Your Honor.

22 THE COURT: Does either the attorney for the  
23 Government or the attorney for the Defendant have any doubts  
24 as to Mr. Goodman's competence to enter a plea today?

25 MS. GEIGER: No, Your Honor.

1                   MR. CIPPARONE: No, Your Honor.

2                   THE COURT: Are counsel satisfied that the  
3 willingness to plead guilty is voluntary?

4                   MS. GEIGER: Yes, Your Honor.

5                   MR. CIPPARONE: I am, Your Honor.

6                   THE COURT: Are counsel satisfied that a guilty plea  
7 is not based on an plea agreement or promises except as  
8 disclosed on this record?

9                   MS. GEIGER: Yes, Your Honor.

10                  MR. CIPPARONE: Yes, Your Honor.

11                  THE COURT: Are counsel satisfied that any guilty  
12 plea is being made with a full understanding by the Defendant  
13 of the nature of the charge and the maximum possible penalty,  
14 and of the Defendant's legal rights to contest the charge?

15                  MS. GEIGER: Yes, Your Honor.

16                  MR. CIPPARONE: I am, Your Honor.

17                  THE COURT: Are counsel satisfied that there is a  
18 factual basis for the plea?

19                  MS. GEIGER: Yes, Your Honor.

20                  MR. CIPPARONE: Yes, Your Honor.

21                  THE COURT: This case is proceeding by way of a  
22 Superseding Information. The Court finds that the Defendant's  
23 Waiver of Indictment is knowing, intelligent and voluntary;  
24 the Waiver of Indictment is accepted. Ms. Spicer, will you  
25 please take the plea.

1                 THE CLERK: Please stand. Todd Goodman, you have  
2 been charged with Superseding Information #22-CR-435 charging  
3 you with knowingly distributing and dispensing a mixture and  
4 substance containing a detectible amount of schedule 2  
5 controlled substance in violation of 21 U.S.C. §842(a)(1) and  
6 (c)(2)(A), and aiding and abetting in the same in violation of  
7 U.S.C. §2. As to count 1 of the Superseding Information, how  
8 do you plead now, guilty or not guilty?

9                 MR. GOODMAN: Guilty.

10                 THE COURT: You may be seated. Mr. Goodman, are you  
11 pleading guilty here today because you are in fact guilty as  
12 charged?

13                 MR. GOODMAN: Yes, Your Honor.

14                 THE COURT: I find that the Defendant, Todd Goodman,  
15 is competent to plead, that his plea of guilty is knowing and  
16 voluntary and not the result of force or threats or any  
17 promises apart from the plea agreement disclosed on this  
18 record. I further find there is a factual basis for his plea  
19 of guilty; that the Defendant understands the charge, his  
20 legal rights, and the maximum possible penalty; and that the  
21 Defendant understands he is waiving, that is giving up, his  
22 right to a trial. The Court accepts the guilty plea. I will  
23 order a pre-sentence investigation report, and I will set  
24 sentencing in this matter for December 13th, 2023, at 9:30  
25 a.m. in this courtroom. Mr. -- this is not, of course, Mr.

1     Goodman's initial appearance, you agree, so bail has been set  
2     previously.

3                 MS. GEIGER: Yes, I agree, Your Honor, and the  
4     Government isn't seeking any change to bail conditions.

5                 THE COURT: Is that agreeable, Mr. Cipparone?

6                 MR. CIPPARONE: That is, Your Honor, right.

7                 THE COURT: All right, thank you very much.

8                 MR. CIPPARONE: Thank you, Your Honor. Have a good  
9     day. We'll see you.

10                THE COURT: Have a good day.

11                MR. GOODMAN: Thank you, Your Honor.

12                MS. GEIGER: Thank you, Your Honor,.

13                THE COURT: Thank you.

14                THE CLERK: All rise.

15                (Court adjourned)

16

17                CERTIFICATION

18     I, Lewis Parham, certify that the foregoing is a correct  
19     transcript from the electronic sound recording of the  
20     proceedings in the above-entitled matter.

21

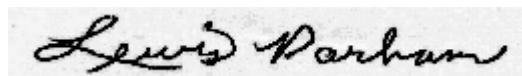
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9/11/23

Signature of Transcriber

Date